

**TANASI LAW OFFICES**  
601 S. Seventh St., 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89101  
702-906-2411 • Fax 866-299-5274

**RICHARD E. TANASI, ESQ.**

Nevada Bar No. 9699

**TANASI LAW OFFICES**

601 S. Seventh St., 2<sup>nd</sup> Floor

Las Vegas, NV 89101

Telephone: (702) 906-2411

Facsimile: (866) 299-5274

Email: [rtanasi@tanasilaw.com](mailto:rtanasi@tanasilaw.com)

*Attorney for Defendant*

**PHILLIP SMITH**

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP SMITH; and  
DEVELLE RURAL MERRITTE,

Defendant.

Case No.: 2:11-cr-0058-JAD-CWH

**Stipulation For Extension of Time  
[First Request]**

**ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by and through Daniel G. Bogden, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, and DEVELLE RURAL MERRITE, by and through his attorney, Rebecca A. Levy, Assistant Federal Public Defender, and Defendant, PHILLIP SMITH, by and through his attorney, Richard E. Tanasi of Tanasi Law Offices, that the date for Defendant Smith to file Objections to the Report and Recommendations [Doc.#220] be extended for seven (7) days.

This stipulation is entered for the following reasons:

1. Counsel for Defendant Smith has been dealing with a heavy work-load, necessitating more time for Counsel to prepare Objections. Undersigned counsel for Defendant

**TANASI LAW OFFICES**  
 601 S. Seventh St., 2<sup>nd</sup> Floor  
 Las Vegas, Nevada 89101  
 702-906-2411 • Fax 866-299-5274

Smith requests more time to research the issues raised in the Report and Recommendations to prepare Objections to the same.

2. Counsel for Defendant Smith has been in State Court on several matters this week, including a change of plea (and work related thereto) in *State v. Harris C14300887* (murder) and a multi-defendant sentencing (and work related thereto) in *State v. Morris C15305322 (robbery)*. Additionally Counsel for Defendant Smith has been preparing for a significant hearing in *State v. Morrow C112750009* (10-Life post conviction hearing) set for January 12, 2016.

3. Defendants are incarcerated, but they do not object to the continuance of the deadline for Objections.

4. Trial is currently set for April 5, 2016. As a result, a one-week continuance of the Objection deadline is unlikely to affect the present trial date.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. This is the first stipulation filed herein to continue the deadline for Objections.

DATED this 7<sup>th</sup> day of January, 2016.

DANIEL G. BOGDEN  
 United States Attorney

TANASI LAW OFFICES

/s/ Phillip N. Smith  
 PHILLIP N. SMITH, JR., ESQ  
 Assistant United States Attorney

/s/ Richard E. Tanasi  
 RICHARD E. TANASI, ESQ  
 Counsel for Defendant Phillip Smith

/s/ Rebecca Levy  
 REBECCA LEVY, ESQ.  
 Assistant Federal Public Defender  
 Attorney for Defendant Develle Merritte

**TANASI LAW OFFICES**  
601 S. Seventh St., 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89101  
702-906-2411 • Fax 866-299-5274

**RICHARD E. TANASI, Esq.**  
Nevada Bar No. 9699  
**TANASI LAW OFFICES**  
601 S. Seventh St., 2<sup>nd</sup> Floor  
Las Vegas, NV 89101  
Telephone: (702) 906-2411  
Facsimile: (866) 299-5274  
Email: [rtanasi@tanasilaw.com](mailto:rtanasi@tanasilaw.com)  
*Attorney for Defendant*  
**PHILLIP SMITH**

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP SMITH; and  
DEVELLE RURAL MERRITTE,

Defendant.

Case No.: 2:11-cr-0058-JAD-CWH

**Findings of Fact, Conclusions of Law  
and Order**

Based upon the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. Counsel for Defendant Smith has been dealing with a heavy work-load, necessitating more time for Counsel to prepare Objections. Undersigned counsel for Defendant Smith requests more time to research the issues raised in the Report and Recommendations to prepare Objections to the same.

2. Counsel for Defendant Smith has been in State Court on several matters this week, including a change of plea (and work related thereto) in *State v. Harris C14300887* (murder) and a multi-defendant sentencing (and work related thereto) in *State v. Morris C15305322 (robbery)*. Additionally Counsel for Defendant Smith has been preparing for a

**TANASI LAW OFFICES**  
601 S. Seventh St., 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89101  
702-906-2411 • Fax 866-299-5274

1 significant hearing in *State v. Morrow C112750009* (10-Life post conviction hearing) set for  
2 January 12, 2016.

3 3. Defendants are incarcerated, but they do not object to the continuance of the  
4 deadline for Objections.  
5

6 4. Trial is currently set for April 5, 2016. As a result, a one-week continuance of the  
7 Objection deadline is unlikely to affect the present trial date.

8 5. Additionally, denial of this request for continuance could result in a miscarriage of  
9 justice.  
10

11 6. This is the first stipulation filed herein to continue the deadline for Objections.

12 For all of the above-stated reasons, the ends of justice would be best served by a  
13 continuance of the deadline for Objections to the Report and Recommendations [Doc.#220].  
14

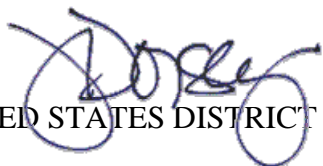
15 **CONCLUSIONS OF LAW**

16 The additional time requested herein is not sought for purposes of delay, but merely  
17 to allow the parties sufficient time to allow Defendant adequate time to prepare Objections to  
18 the Report and Recommendations [Doc.#220], taking into account due diligence. The failure to  
19 grant said continuance would likely result in a miscarriage of justice.  
20

21 **ORDER**

22 IT IS HEREBY ORDERED that Defendant's Objections to the Report and  
23 Recommendations [Doc.#220]. be continued to January 15, 2016.

24 Dated: January 8, 2016.

25   
26 \_\_\_\_\_  
27 UNITED STATES DISTRICT JUDGE  
28